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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,683	12/29/1999	STEPHEN PALM	P18062	1308

7055 7590 08/19/2003

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RESTON, VA 20191

EXAMINER

KUMAR, PANKAJ

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 08/19/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/473,683

Applicant(s)

PALM, STEPHEN

Examiner

Pankaj Kumar

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-24 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☒ Claim(s) 21-24 and 52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. An IDS was submitted before office action; however, the examiner did not receive the IDS until after the first office action. Hence, this action is non-final.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 17-24, 52 have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 17, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Scott 5349635.
5. As per claim 17, Scott teaches a method for performing a startup session to establish a high speed communication session, comprising: having a first communication system transmit a first predetermined signal (Scott fig. 2: 510 – transmit 2100 Hz V.32 answer tone) to a second communication system, the first communication system and the second communication system both supporting a half duplex operating mode (Scott abstract 3<sup>rd</sup> line; background of the invention 2<sup>nd</sup> paragraph; summary of the invention 1<sup>st</sup> paragraph); detecting the first

Art Unit: 2631

predetermined signal (Since 530 stops 2100 Hz answer tone transmission, it inherently detecting it) at the second communication system, the second communication system responding to the first communication system by transmitting a selected signal (Scott fig. 2: 530 transmits 2021 Hz answer tone); halting, for a predetermined time period, the transmission of the first predetermined signal by the first communication system (Scott fig. 2: 530 stop transmission of the 2100 Hz answer tone) when the selected signal is detected by the first communication system, a second predetermined signal (Scott fig. 2: 530 transmits a 2021 Hz answer tone and thus it inherently detects it), indicating a half duplex operating mode (Scott abstract 3<sup>rd</sup> line; background of the invention 2<sup>nd</sup> paragraph; summary of the invention 1<sup>st</sup> paragraph), being transmitted by the first communication system upon an expiration of the predetermined time period (Scott fig. 2: 2021 Hz answer tone transmitted after 4sec have elapsed in 515 with no 1800 Hz signal), the second communication system stopping the transmission of the selected signal (Scott fig. 2: 530: 2100 Hz answer tone stopped) upon detection of the second predetermined signal (Scott fig. 2: 530: 2100 Hz answer tone stopped when 2021 Hz answer tone is transmitted which inherent requires detection); and acknowledging the half-duplex mode by the second communication system by the turning OFF of the selected signal, so that a high speed half-duplex mode communication session is established (In fig. 2, Scott acknowledges the half duplex mode with 208B mode – col. 6 lines 17-21 - which occurs after the 2100 Hz signal is stopped).

6. As per claim 20, Scott teaches the method of claim 17 wherein having the first communication system transmit the first predetermined signal comprises transmitting the first

predetermined signal from at least one signal family (first signal 2100 Hz is from v.32 signal family and/or answer tone signal family and/or full duplex signal family).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable by Scott 5349635.

9. As per claim 18, Scott teaches the method of claim 17 wherein the first communication system comprises a remote system (Scott fig. 1: 100 is after a telephone interface and so it is remote) and a second communication system comprises a central office system (This is not in Scott. Instead, Scott has a separate modem which is communication system 300 whose location is not defined. Since communication system's location is not defined, it can comprise a central office system. It is common knowledge that communication systems can be at various locations. It would have been obvious to one skilled in the art at the time of the invention to modify Scott to teach that a second communication system comprises a central office system. One would be motivated to do so since a communication system can be anywhere, it would be simplest to control a communication system from a central place like a central office.).

10. As per claim 19, Scott teaches the method of claim 17 wherein the first communication system and the second communication system each support a high speed xDSL communication

Art Unit: 2631

session (This is not in Scott. It is common knowledge that xDSL exists. It would have been obvious to one skilled in the art at the time of the invention to modify Scott to teach xDSL. One would be motivated to do so since xDSL is just a method or manner of intended use of the apparatus rather to delineating claimed structure.).

*Allowable Subject Matter*

11. Claims 21, 22, 23, 24, 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

PK

M. Gh  
MOHAMMAD H. GHAYOUR  
PRIMARY EXAMINER